REMARKS

In response to the final Official Action of September 5, 2007, claims 1-11 and 14-20 have been amended in a manner which is believed to particularly point out and distinctly claim the invention.

Claim Objections

At section 2, claim 1 is objected to for not parenthetically showing in applicant's response of July 17, 2007 that the claim was "previously presented". Applicant erroneously showed the claim as "currently amended" in applicant's response of July 17, 2007. Claim 1 is currently shown as "currently amended" since, in fact, it is being amended in response to the final Official Action.

Claim Rejections - 35 USC §102

At section 4, claims 1, 2, 4, 7, 11, and 20-22 are rejected under 35 USC §102(e) as being unpatentable in view of US patent 6,597,394, Duncan, et al (hereinafter Duncan). For the reasons presented below, applicant respectfully disagrees.

Nature of the Present Invention as Claimed

At set forth in applicant's published international application (WO 03/083775), the present invention is directed to providing a solution to a problem associated with displays; namely, to be able to produce an image on a display based upon at least an instantaneous property of the display. The invention is particularly directed to determining an instantaneous property of a display, determining a property of a digital image to be displayed on the display, determining parameters for an image processing method which is based at least partly on the instantaneous property of the display and said property of the digital image and processing the digital image by means of the image processing

method while applying said parameters so as to produce an image transformation of said digital image for presentation on said display.

Argument

The Office asserts that Duncan discloses the features of claim 1 as previously presented in applicant's response of July 17, 2007.

Furthermore, it is noted in the "Response to Arguments" section at page 7 of the final Official Action that the Office disagrees with applicant's arguments presented in the response of July 17, 2007, at least with respect to applicant's argument that Duncan does not teach "any instantaneous property of a display would affect the image transformation process" since the Office argues that claim 1 does not recite an image transformation process.

Claim 1 has been so amended and now recites that the processing of the digital image by means of the image processing method while applying said parameters is performed so as to produce an image transformation of said digital image for presentation on said display. Consequently, amended claim 1 is believed to be not anticipated by Duncan at least in view of this amendment to claim 1.

Furthermore, it is to be noted that Duncan does not disclose that any instantaneous property of the display would be used to affect an image transformation process. Contrary to the position taken by the Office, Duncan does not disclose "determining parameters for an image processing method at least partly on the basis of an instantaneous property of the display and the property of the digital image". The Office asserts that this feature is shown in Duncan at column 4, lines 26-41. This recited portion of Duncan is directed to the operation of the disclosed camera. Thus, with reference to Figure 2, the recited passage in Duncan discloses the camera operation when the user presses a store-image button.

In particular, the camera operation causes the image sensor 106 to acquire an image and then an image acquisition procedure causes microprocessor 202 to control timing generator 204 to generate vertical and horizontal clock signals for use by image sensor 106. The image sensor 106 outputs image data comprising a series of analog signals corresponding to the color and intensity of the image sensed by each cell within the image sensor 106. The image data is then sent to an analog signal processor (ASP) 211 which processes the image data before being input to an analog to digital (A/D) converter 212. Duncan further discloses that the analog signal processor has a programmable amplifier with adjustable gain and that it reduces or eliminates noise from the image data using well-known methods in the art. After such processing the A/D converter 212 converts the analog image into digital image data for storage on a storage medium 208.

There is no disclosure in Duncan that the analog signal processor 211 (or any other portion of the digital camera disclosed in Duncan) determines an instantaneous property of the display, as well as determines a property of the digital image so as to determine parameters for an image processing method at least partly on the basis of said instantaneous property of the display and said property of the digital image. At best, the analog signal processor 211 processes analog data using well-known methods in the art, such as correlation-double-sampling. Such known techniques in the art do not make use of an instantaneous property of the display and a property of a digital image so as to determine parameters for an image processing method which are then used by that method for purposes of processing the digital image.

For this reason as well, applicant respectfully continues to assert that Duncan does not disclose claim 1 as previously presented.

If the Office continues to assert this rejection, applicant's attorney respectfully requests the Office to elaborate where Duncan shows such a feature since applicant's attorney's reading of Duncan fails to show this feature of the present invention.

For all of the above reasons, it is respectfully submitted that claim 1, as amended, is not anticipated by Duncan.

Mobile device claim 7, display unit claim 11, and mobile device claim 20 have been amended in a manner similar to claim 1 and, for similar reasons, the amended feature of claims 7, 11, and 20, as well as the feature of determining an instantaneous property of the display so as to determine parameters for an image processing method which at least partly are based on the instantaneous property of a display and the property of the digital image, are also not anticipated by Duncan.

Claims 21 and 22 are also rejected as anticipated by Duncan. As noted in applicant's prior response, claim 21 corresponds to method claim 1, but does not recite the processing of the digital image by means of the image processing method. As such, it is directed to a method for determining parameters for an image processing method on the basis of determining the instantaneous property of a display and determining a property of a digital image which is to be acted upon by the recited image processing method. For the reasons presented above, Duncan fails to disclose determining the instantaneous property of a display and determining parameters for an image processing method based at least partly on said instantaneous property of the display and a property of the digital image.

It is therefore respectfully submitted that claim 21 is not anticipated by Duncan.

Similarly, independent mobile device claim 22 recites an image improvement unit arranged to determine an instantaneous property of a display, to determine a property of the digital image, and to determine parameters for an image processing method based at least partly on said instantaneous property of the display and said property of the digital image. For similar reasons as those presented above with respect to claims 1 and 21, claim 22 is not anticipated by Duncan in view of Duncan's failure to disclose this feature of the present invention as claimed.

Furthermore, claim 2, which depends from claim 1, is believed to be also not anticipated by Duncan at least in view of such dependency.

Claim Rejections - 35 USC §103

At section 6, claims 3-5, 8-10, 14-16, 18, and 19 are rejected under 35 USC §103(a) in view of Duncan further in view of US patent 6,124,971, Ouderkirk, et al (hereinafter Ouderkirk). It is noted at page 4 with reference to Duncan that the Office asserts that Duncan "does not explicitly teach detecting a change in instantaneous properties of a display and repeating 'determining and processing' measures when a change is detected." The Office asserts that Ouderkirk discloses such a feature as recited in claims 3 and 14 (Ouderkirk, column 14, lines 34-62 and column 2, lines 13-17).

The recited passages in Ouderkirk disclose that a display as shown in Figure 10 operates similar to a reflective display under ambient light conditions, but when backlit, the display reverses image as compared to the same display under ambient light. There is no disclosure in Ouderkirk of a method for detecting a change in an instantaneous property of the display and repeating said determining and processing actions when a change is detected. Rather, the display itself is configured that when backlit, it reverses the image shown as compared to the same display under ambient light.

For these reasons as well, claims 3 and 14 are believed to be further distinguished over Duncan in view of Ouderkirk.

Furthermore, each of the rejected claims are dependent upon an independent claim which is believed to be allowable and, in view of such dependency, each of the dependent claims is also believed to be allowable at least in view of such dependency.

At section 7, claims 6, 12, 13, and 17 are rejected under 35 USC §103(a) in view of Duncan and Ouderkirk further in view of US patent application publication 2002/0101554, Khan, et al. Each of these claims depends from an independent claim

which is believed to be allowable and therefore each of these claims is believed to be distinguished over the cited art at least in view of such dependency.

In view of the foregoing, it is respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

Dated: February 5, 2008

Alfred A. Fressola
Attorney for Applicant
Reg. No. 27,550

WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
Bradford Green, Building Five
755 Main Street, P.O. Box 224
Monroe, CT 06468
Telephone: (203) 261-1234
Facsimile: (203) 261-5676
USPTO Customer No. 004955